



Sen. Richard J. Winkel Jr.

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LRB094 15317 RLC 57275 a

1 AMENDMENT TO HOUSE BILL 4203

2 AMENDMENT NO. _____. Amend House Bill 4203 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Missing Persons Identification Act.

6 Section 5. Missing person reports.

7 (a) Report acceptance. All law enforcement agencies shall
8 accept without delay any report of a missing person. Acceptance
9 of a missing person report filed in person may not be refused
10 on any ground. No law enforcement agency may refuse to accept a
11 missing person report:

12 (1) on the basis that the missing person is an adult;

13 (2) on the basis that the circumstances do not indicate
14 foul play;

15 (3) on the basis that the person has been missing for a
16 short period of time;

17 (4) on the basis that the person has been missing a
18 long period of time;

19 (5) on the basis that there is no indication that the
20 missing person was in the jurisdiction served by the law
21 enforcement agency at the time of the disappearance;

22 (6) on the basis that the circumstances suggest that
23 the disappearance may be voluntary;

24 (7) on the basis that the reporting individual does not

1 have personal knowledge of the facts;

2 (8) on the basis that the reporting individual cannot
3 provide all of the information requested by the law
4 enforcement agency;

5 (9) on the basis that the reporting individual lacks a
6 familial or other relationship with the missing person; or

7 (10) for any other reason.

8 (b) Manner of reporting. All law enforcement agencies shall
9 accept missing person reports in person. Law enforcement
10 agencies are encouraged to accept reports by phone or by
11 electronic or other media to the extent that such reporting is
12 consistent with law enforcement policies or practices.

13 (c) Contents of report. In accepting a report of a missing
14 person, the law enforcement agency shall attempt to gather
15 relevant information relating to the disappearance. The law
16 enforcement agency shall attempt to gather at the time of the
17 report information that shall include, but shall not be limited
18 to, the following:

19 (1) the name of the missing person, including
20 alternative names used;

21 (2) the missing person's date of birth;

22 (3) the missing person's identifying marks, such as
23 birthmarks, moles, tattoos, and scars;

24 (4) the missing person's height and weight;

25 (5) the missing person's gender;

26 (6) the missing person's race;

27 (7) the missing person's current hair color and true or
28 natural hair color;

29 (8) the missing person's eye color;

30 (9) the missing person's prosthetics, surgical
31 implants, or cosmetic implants;

32 (10) the missing person's physical anomalies;

33 (11) the missing person's blood type, if known;

34 (12) the missing person's drivers license number, if

1 known;

2 (13) the missing person's social security number, if
3 known;

4 (14) a photograph of the missing person; recent
5 photographs are preferable and the agency is encouraged to
6 attempt to ascertain the approximate date the photograph
7 was taken;

8 (15) a description of the clothing the missing person
9 was believed to be wearing;

10 (16) a description of items that might be with the
11 missing person, such as jewelry, accessories, and shoes or
12 boots;

13 (17) information on the missing person's electronic
14 communications devices, such as cellular telephone numbers
15 and e-mail addresses;

16 (18) the reasons why the reporting individual believes
17 that the person is missing;

18 (19) the name and location of the missing person's
19 school or employer, if known;

20 (20) the name and location of the missing person's
21 dentist or primary care physician, or both, if known;

22 (21) any circumstances that may indicate that the
23 disappearance was not voluntary;

24 (22) any circumstances that may indicate that the
25 missing person may be at risk of injury or death;

26 (23) a description of the possible means of
27 transportation of the missing person, including make,
28 model, color, license number, and Vehicle Identification
29 Number of a vehicle;

30 (24) any identifying information about a known or
31 possible abductor or person last seen with the missing
32 person, or both, including:

33 (A) name;

34 (B) a physical description;

1 (C) date of birth;

2 (D) identifying marks;

3 (E) the description of possible means of
4 transportation, including make, model, color, license
5 number, and Vehicle Identification Number of a
6 vehicle;

7 (F) known associates;

8 (25) any other information that may aid in locating the
9 missing person; and

10 (26) the date of last contact.

11 (d) Notification and follow up action.

12 (1) Notification. The law enforcement agency shall
13 notify the person making the report, a family member, or
14 other person in a position to assist the law enforcement
15 agency in its efforts to locate the missing person of the
16 following:

17 (A) general information about the handling of the
18 missing person case or about intended efforts in the
19 case to the extent that the law enforcement agency
20 determines that disclosure would not adversely affect
21 its ability to locate or protect the missing person or
22 to apprehend or prosecute any person criminally
23 involved in the disappearance;

24 (B) that the person should promptly contact the law
25 enforcement agency if the missing person remains
26 missing in order to provide additional information and
27 materials that will aid in locating the missing person
28 such as the missing person's credit cards, debit cards,
29 banking information, and cellular telephone records;
30 and

31 (C) that any DNA samples provided for the missing
32 person case are provided on a voluntary basis and will
33 be used solely to help locate or identify the missing
34 person and will not be used for any other purpose.

1 The law enforcement agency, upon acceptance of a
2 missing person report, shall inform the reporting citizen
3 of one of 2 resources, based upon the age of the missing
4 person. If the missing person is under 18 years of age,
5 contact information for the National Center for Missing and
6 Exploited Children shall be given. If the missing person is
7 age 18 or older, contact information for the National
8 Center for Missing Adults shall be given.

9 Agencies handling the remains of a missing person who
10 is deceased must notify the agency handling the missing
11 person's case. Documented efforts must be made to locate
12 family members of the deceased person to inform them of the
13 death and location of the remains of their family member.

14 The law enforcement agency is encouraged to make
15 available informational materials, through publications or
16 electronic or other media, that advise the public about how
17 the information or materials identified in this subsection
18 are used to help locate or identify missing persons.

19 (2) Follow up action. If the person identified in the
20 missing person report remain missing after 30 days, and the
21 additional information and materials specified below have
22 not been received, the law enforcement agency shall attempt
23 to obtain:

24 (A) DNA samples from family members or from the
25 missing person along with any needed documentation, or
26 both, including any consent forms, required for the use
27 of State or federal DNA databases, including, but not
28 limited to, the Local DNA Index System (LDIS), State
29 DNA Index System (SDIS), and National DNA Index System
30 (NDIS);

31 (B) an authorization to release dental or skeletal
32 x-rays of the missing person;

33 (C) any additional photographs of the missing
34 person that may aid the investigation or an

1 identification; the law enforcement agency is not
2 required to obtain written authorization before it
3 releases publicly any photograph that would aid in the
4 investigation or identification of the missing person;

5 (D) dental information and x-rays; and

6 (E) fingerprints.

7 (3) All DNA samples obtained in missing person cases
8 shall be immediately forwarded to the Department of State
9 Police for analysis. The Department of State Police shall
10 establish procedures for determining how to prioritize
11 analysis of the samples relating to missing person cases.

12 (4) This subsection shall not be interpreted to
13 preclude a law enforcement agency from attempting to obtain
14 the materials identified in this subsection before the
15 expiration of the 30-day period.

16 Section 10. Law enforcement analysis and reporting of
17 missing person information.

18 (a) Prompt determination of high-risk missing person.

19 (1) Definition. "High-risk missing person" means a
20 person whose whereabouts are not currently known and whose
21 circumstances indicate that the person may be at risk of
22 injury or death. The circumstances that indicate that a
23 person is a high-risk missing person include, but are not
24 limited to, any of the following:

25 (A) the person is missing as a result of a stranger
26 abduction;

27 (B) the person is missing under suspicious
28 circumstances;

29 (C) the person is missing under unknown
30 circumstances;

31 (D) the person is missing under known dangerous
32 circumstances;

33 (E) the person is missing more than 30 days;

1 (F) the person has already been designated as a
2 high-risk missing person by another law enforcement
3 agency;

4 (G) there is evidence that the person is at risk
5 because:

6 (i) the person is in need of medical attention
7 or prescription medication;

8 (ii) the person does not have a pattern of
9 running away or disappearing;

10 (iii) the person may have been abducted by a
11 non-custodial parent;

12 (iv) the person is mentally impaired;

13 (v) the person is under the age of 21;

14 (vi) the person has been the subject of past
15 threats or acts of violence;

16 (vii) the person has eloped from a nursing
17 home; or

18 (H) any other factor that may, in the judgment of
19 the law enforcement official, indicate that the
20 missing person may be at risk.

21 (2) Law enforcement risk assessment.

22 (A) Upon initial receipt of a missing person
23 report, the law enforcement agency shall immediately
24 determine whether there is a basis to determine that
25 the missing person is a high-risk missing person.

26 (B) If a law enforcement agency has previously
27 determined that a missing person is not a high-risk
28 missing person, but obtains new information, it shall
29 immediately determine whether the information
30 indicates that the missing person is a high-risk
31 missing person.

32 (C) Law enforcement agencies are encouraged to
33 establish written protocols for the handling of
34 missing person cases to accomplish the purposes of this

1 Act.

2 (3) Law enforcement agency reports.

3 (A) The responding local law enforcement agency
4 shall immediately enter all collected information
5 relating to the missing person case in the Law
6 Enforcement Agencies Data System (LEADS) and the
7 National Crime Information Center (NCIC) databases.
8 The information shall be provided in accordance with
9 applicable guidelines relating to the databases. The
10 information shall be entered as follows:

11 (i) All appropriate DNA profiles, as
12 determined by the Department of State Police,
13 shall be uploaded into the missing person
14 databases of the State DNA Index System (SDIS) and
15 National DNA Index System (NDIS) after completion
16 of the DNA analysis and other procedures required
17 for database entry.

18 (ii) Information relevant to the Federal
19 Bureau of Investigation's Violent Criminal
20 Apprehension Program shall be entered as soon as
21 possible.

22 (iii) The Department of State Police shall
23 ensure that persons entering data relating to
24 medical or dental records in State or federal
25 databases are specifically trained to understand
26 and correctly enter the information sought by
27 these databases. The Department of State Police
28 shall either use a person with specific expertise
29 in medical or dental records for this purpose or
30 consult with a chief medical examiner, forensic
31 anthropologist, or odontologist to ensure the
32 accuracy and completeness of information entered
33 into the State and federal databases.

34 (B) The Department of State Police shall

1 immediately notify all law enforcement agencies within
2 this State and the surrounding region of the
3 information that will aid in the prompt location and
4 safe return of the high-risk missing person.

5 (C) The local law enforcement agencies that
6 receive the notification from the Department of State
7 Police shall notify officers to be on the lookout for
8 the missing person or a suspected abductor.

9 (D) Pursuant to any applicable State criteria,
10 local law enforcement agencies shall also provide for
11 the prompt use of an Amber Alert in cases involving
12 abducted children; or public dissemination of
13 photographs in appropriate high risk cases.

14 Section 15. Reporting of unidentified persons and human
15 remains.

16 (a) Handling of death scene investigations.

17 (1) The Department of State Police shall provide
18 information to local law enforcement agencies about best
19 practices for handling death scene investigations.

20 (2) The Department of State Police shall identify any
21 publications or training opportunities that may be
22 available to local law enforcement agencies or law
23 enforcement officers and coroners and medical examiners
24 concerning the handling of death scene investigations.

25 (b) Law enforcement reports.

26 (1) Before performing any death scene investigation
27 deemed appropriate under the circumstances, the official
28 with custody of the human remains shall ensure that the
29 coroner or medical examiner of the county in which the
30 deceased was found has been notified.

31 (2) Any coroner or medical examiner with custody of
32 human remains that are not identified within 24 hours of
33 discovery shall promptly notify the Department of State

1 Police of the location of those remains.

2 (3) If the coroner or medical examiner with custody of
3 remains cannot determine whether or not the remains found
4 are human, the coroner or medical examiner shall notify the
5 Department of State Police of the existence of possible
6 human remains.

7 Section 20. Unidentified persons or human remains
8 identification responsibilities.

9 (a) If the official with custody of human remains is not a
10 coroner or medical examiner, the official shall immediately
11 notify the coroner or medical examiner of the county in which
12 the remains were found. The coroner or medical examiner shall
13 go to the scene and take charge of the remains.

14 (b) Notwithstanding any other action deemed appropriate
15 for the handling of the human remains, the medical examiner or
16 coroner shall make reasonable attempts to promptly identify
17 human remains. These actions may include but are not limited to
18 obtaining:

19 (1) photographs of the human remains (prior to an
20 autopsy);

21 (2) dental or skeletal X-rays;

22 (3) photographs of items found with the human remains;

23 (4) fingerprints from the remains, if possible;

24 (5) samples of tissue suitable for DNA typing, if
25 possible;

26 (6) samples of whole bone or hair suitable for DNA
27 typing, or both;

28 (7) any other information that may support
29 identification efforts.

30 (c) No medical examiner or coroner or any other person
31 shall dispose of, or engage in actions that will materially
32 affect the unidentified human remains before the medical
33 examiner or coroner obtains:

1 (1) samples suitable for DNA identification,
2 archiving;

3 (2) photographs of the unidentified person or human
4 remains; and

5 (3) all other appropriate steps for identification
6 have been exhausted.

7 (d) Cremation of unidentified human remains is prohibited.

8 (e) The medical examiner or coroner or the Department of
9 State Police shall make reasonable efforts to obtain prompt DNA
10 analysis of biological samples if the human remains have not
11 been identified by other means within 30 days.

12 (f) The medical examiner or coroner or the Department of
13 State Police shall seek support from appropriate State and
14 federal agencies for human remains identification efforts.
15 This support may include, but is not be limited to, available
16 mitochondrial or nuclear DNA testing, federal grants for DNA
17 testing, or federal grants for crime laboratory or medical
18 examiner or coroner's office improvement.

19 (g) The Department of State Police shall promptly enter
20 information in federal and State databases that may aid in the
21 identification of human remains. Information shall be entered
22 into federal databases as follows:

23 (1) information for the National Crime Information
24 Center shall be entered within 72 hours;

25 (2) DNA profiles and information shall be entered into
26 the National DNA Index System (NDIS) within 5 business days
27 after the completion of the DNA analysis and procedures
28 necessary for the entry of the DNA profile; and

29 (3) information sought by the Violent Criminal
30 Apprehension Program database shall be entered as soon as
31 practicable.

32 (h) If the Department of State Police does not input the
33 data directly into the federal databases, the Department of
34 State Police shall consult with the medical examiner or

1 coroner's office to ensure appropriate training of the data
2 entry personnel and the establishment of a quality assurance
3 protocol for ensuring the ongoing quality of data entered in
4 the federal and State databases.

5 (i) Nothing in this Act shall be interpreted to preclude
6 any medical examiner or coroner's office, the Department of
7 State Police, or a local law enforcement agency from pursuing
8 other efforts to identify unidentified human remains including
9 efforts to publicize information, descriptions, or photographs
10 that may aid in the identification of the unidentified remains,
11 allow family members to identify missing person, and seek to
12 protect the dignity of the missing person.

13 Section 95. The Department of State Police Law of the Civil
14 Administrative Code of Illinois is amended by changing Section
15 2605-375 as follows:

16 (20 ILCS 2605/2605-375) (was 20 ILCS 2605/55a in part)

17 Sec. 2605-375. Missing persons; Law Enforcement Agencies
18 Data System (LEADS).

19 (a) To establish and maintain a statewide Law Enforcement
20 Agencies Data System (LEADS) for the purpose of providing
21 electronic access by authorized entities to criminal justice
22 data repositories and effecting an immediate law enforcement
23 response to reports of missing persons, including lost, missing
24 or runaway minors and missing endangered seniors. The
25 Department shall implement an automatic data exchange system to
26 compile, to maintain, and to make available to other law
27 enforcement agencies for immediate dissemination data that can
28 assist appropriate agencies in recovering missing persons and
29 provide access by authorized entities to various data
30 repositories available through LEADS for criminal justice and
31 related purposes. To assist the Department in this effort,
32 funds may be appropriated from the LEADS Maintenance Fund.

1 (b) In exercising its duties under this Section, the
2 Department shall provide ~~do the following: (1) Provide~~ a
3 uniform reporting format (LEADS) for the entry of pertinent
4 information regarding the report of a missing person into
5 LEADS. The report must include all of the following:

6 (1) ~~(A)~~ Relevant information obtained from the
7 notification concerning the missing person, including all
8 of the following:

9 (A) ~~(i)~~ a physical description of the missing
10 person;

11 (B) ~~(ii)~~ the date, time, and place that the missing
12 person was last seen; and

13 (C) ~~(iii)~~ the missing person's address.

14 (2) ~~(B)~~ Information gathered by a preliminary
15 investigation, if one was made.

16 (3) ~~(C)~~ A statement by the law enforcement officer in
17 charge stating the officer's assessment of the case based
18 on the evidence and information received.

19 (b-5) The Department of State Police shall: ~~prepare the~~
20 ~~report required by this paragraph (1) as soon as practical, but~~
21 ~~not later than 5 hours after the Department receives~~
22 ~~notification of a missing person.~~

23 (1) ~~(2)~~ Develop and implement a policy whereby a
24 statewide or regional alert would be used in situations
25 relating to the disappearances of individuals, based on
26 criteria and in a format established by the Department.
27 Such a format shall include, but not be limited to, the age
28 of the missing person and the suspected circumstance of the
29 disappearance.

30 (2) ~~(3)~~ Notify all law enforcement agencies that
31 reports of missing persons shall be entered as soon as the
32 minimum level of data specified by the Department is
33 available to the reporting agency and that no waiting
34 period for the entry of the data exists.

1 (3) ~~(4)~~ Compile and retain information regarding lost,
2 abducted, missing, or runaway minors in a separate data
3 file, in a manner that allows that information to be used
4 by law enforcement and other agencies deemed appropriate by
5 the Director, for investigative purposes. The information
6 shall include the disposition of all reported lost,
7 abducted, missing, or runaway minor cases.

8 (4) ~~(5)~~ Compile and maintain an historic data
9 repository relating to lost, abducted, missing, or runaway
10 minors and other missing persons, including, but not
11 limited to, missing endangered seniors, in order to develop
12 and improve techniques utilized by law enforcement
13 agencies when responding to reports of missing persons.

14 (5) ~~(6)~~ Create a quality control program regarding
15 confirmation of missing person data, timeliness of entries
16 of missing person reports into LEADS, and performance
17 audits of all entering agencies.

18 ~~(7) Upon completion of the report required by paragraph~~
19 ~~(1), the Department of State Police shall immediately~~
20 ~~forward the contents of the report to all of the following:~~

21 ~~(A) all law enforcement agencies that have~~
22 ~~jurisdiction in the location where the missing person~~
23 ~~lives and all law enforcement agencies that have~~
24 ~~jurisdiction in the location where the missing person~~
25 ~~was last seen;~~

26 ~~(B) all law enforcement agencies to which the~~
27 ~~person who made the notification concerning the~~
28 ~~missing person requests the report be sent, if the~~
29 ~~Department determines that the request is reasonable~~
30 ~~in light of the information received;~~

31 ~~(C) all law enforcement agencies that request a~~
32 ~~copy of the report; and~~

33 ~~(D) the National Crime Information Center's~~
34 ~~Missing Person File, if appropriate.~~

1 ~~(8) The Department of State Police shall begin an~~
2 ~~investigation concerning the missing person not later than~~
3 ~~24 hours after receiving notification of a missing person.~~

4 (c) The Illinois Law Enforcement Training Standards Board
5 shall conduct a training program for law enforcement personnel
6 of local governmental agencies in the Missing Persons
7 Identification Act ~~statewide coordinated missing endangered~~
8 ~~senior alert system established under this Section.~~

9 (d) The Department of State Police shall perform the duties
10 prescribed in the Missing Persons Identification Act, subject
11 to appropriation.

12 (Source: P.A. 94-145, eff. 1-1-06.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.".